IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 908 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHINUBHAI LEHERCHAND HERDE

Versus

DISTRICT REGISTRAR CO-OPERATIVE SOC.

Appearance:

MR HS MULIYA for MR RC JANI for Petitioner

MR PK JANI for Respondent No. 1

MR SAMIR J DAVE, APP, for Respondent No. 2

DELETED for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/12/2000

ORAL JUDGEMENT

1. Learned counsel for the petitioner is unable to satisfy this Court how this special criminal application is maintainable. Here grievance has been made by the

petitioner that he filed an application under section 93 of the Gujarat Cooperative Societies Act, 1961 before the District Registrar but he is not taking any action on this application. Section 93 of the Gujarat Cooperative Societies Act, 1961 empowers the Registrar to assess the damages against the delinquent promoters etc. of the Society. It at the most may be a civil liability for which this petition filed towards criminal side is not maintainable. Be that as it may.

2. Learned counsel for the Bank states that against the petitioner, F.I.R. has been filed for the offence committed i.e. tampering with the documents of the Bank loan etc. Investigation thereof has been completed and papers are ready to file the chargesheet in the Court. He further states that against the judgment of the Nominee Court in the Lavad suit filed by the Bank against the petitioner and the judgment of the Gujarat Cooperative Tribunal by which the judgment of the Board of Nominee has been confirmed, the Bank has already preferred the special criminal applications and the same are pending.

3. In view of these facts now in this petition nothing can be ordered as what it is prayed by the petitioner and accordingly, this petition fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. However, the dismissal of this petition will not come in the way of the petitioner to file appropriate petition in this court in its civil jurisdiction. The petitioner is directed to pay costs of this petition to the State of Gujarat.

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zgs/-